

## 29 CFR 1928 – Agriculture

### OSHA STANDARDS WITH SPECIAL REQUIREMENTS

These webpages are designed to assist employers in complying with standards that have "special requirements". For the purpose of this technical guidance, special requirements includes programs, plans, procedures, policies, inspections, certifications, competent persons, qualified persons, training, medical surveillance, exposure monitoring, signs, tags, markings, tests, records and recordkeeping requirements that are applicable in meeting the requirements of OSHA standards by industry. *If a standard or subpart are not listed, it did not have one of these types of special requirements.*

**Note:** *While all attempts have been made to ensure the accuracy of the content and completeness in the information provided, it may not include all the specific standards that have special requirements that may be required by an OSHA standard. To ensure completeness in meeting each standard's requirement, the specific standard should be referenced.*

This webpage ([Printable Version](#)) is to be used in conjunction with the [Which OSHA Standards Apply](#) webpages for [Agriculture Standards](#) (29 CFR Part 1928).

#### Special Requirements

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#### Subpart B - [Applicability of Standards](#)

[Subpart B](#) provides the general industry standards that are applicable to agricultural operations.

To learn if subpart B applies to you, go to [Does "Subpart B - Applicability of Standards" Apply to You?](#)

## Special Requirements

### 1928.21 - Applicability of Standards in 29 CFR Part 1910

**Scope:** This [standard](#) provides the standards in [part 1910](#) that are applicable to agricultural operations.

**Special Requirements:** References other standards

[1928.21\(a\)\(1\)](#) - Temporary labor camps - [1910.142](#);

[1928.21\(a\)\(2\)](#) - Storage and handling of anhydrous ammonia - [1910.111 \(a\) and \(b\)](#);

[1928.21\(a\)\(3\)](#) - Logging operations - [1910.266](#);

[1928.21\(a\)\(4\)](#) - Slow-moving vehicles - [1910.145\(d\)\(10\)](#);

[1928.21\(a\)\(5\)](#) - Hazard communication - [1910.1200](#);

[1928.21\(a\)\(6\)](#) - Cadmium - [1910.1027](#).

[1928.21\(a\)\(7\)](#) - Retention of DOT markings, placards and labels - [1910.1201](#).

[1928.21\(b\)](#) - Except to the extent specified in [paragraph \(a\)](#) of this section, the *standards* contained in subparts B through T and subpart Z of [part 1910 - general industry](#), of this title do not apply to agricultural operations.

### Subpart C - [Roll-Over Protective Devices](#)

[Subpart C](#) applies to agricultural operations with tractors.

To learn if subpart C applies to you, go to [Does "Subpart C - Roll-Over Protective Structures" Apply to You?](#)

## Special Requirements

### 1928.51 - Roll-over Protective Structures (ROPS) for Tractors used in Agricultural Operations

**Scope:** This [standard](#) provides the requirements for roll-over protective structures (ROPS) for tractors used in agricultural operations.

**Special Requirements:** Test and performance requirements, labeling, operating instructions, information, practices, references other standards

[1928.51\(b\)\(1\)](#) - Roll-over protective structures (ROPS). ROPS shall be provided by the employer for each tractor operated by an employee. Except as provided in [paragraph \(b\)\(5\)](#) of this section, a ROPS used on wheel-type tractors shall meet the *test and performance requirements of [29 CFR 1928.52](#) - protective frames for wheel-type agricultural tractors -- test procedures and performance requirements, [1928.53](#) - protective enclosures for wheel-type agricultural tractors - test procedures and performance requirements, or [1926.1002](#) - protective frames (roll-over protective structures, known as ROPS) for wheel-type agricultural and industrial tractors used in construction, as appropriate. A ROPS used on track-type tractors shall meet the test and performance requirements of [29 CFR 1926.1001](#) - minimum performance criteria for rollover protective structures for designated scrapers, loaders, dozers, graders, crawler tractors, compactors, and rubber-tired skid steer equipment.*

[1928.51\(b\)\(2\)\(ii\)](#) - Each seatbelt shall meet the requirements set forth in Society of Automotive Engineers Standard SAE J4C, 1965 Motor Vehicle Seat Belt Assemblies,<sup>[2]</sup> except as noted hereafter: [Reference [paragraph \(b\)\(2\)\(ii\)\(A\) - \(C\)](#)].

[1928.51\(c\)](#) - *Labeling.* Each ROPS shall have a *label*, permanently affixed to the structure, which states: [Reference [paragraph \(c\)\(1\) - \(4\)](#)].

[1928.51\(d\)](#) - *Operating instructions.* Every employee who operates an agricultural tractor shall be informed of the *operating practices* contained in [appendix A](#) - *employee operating instructions*, of this part and of any other practices dictated by the work environment. Such *information* shall be provided at the time of *initial assignment* and at least *annually* thereafter.

## **1928.52 - Protective Frames for Wheel-type Agricultural Tractors -- Test Procedures and Performance Requirements**

**Scope:** This [standard](#) provides protective frames for wheel-type agricultural tractors -- test procedures and performance requirements.

**Special Requirements:** Test and performance requirements, test procedures, references other standards

[1928.52\(a\)](#) - Purpose. The purpose of this section is to establish the *test and performance requirements* for a protective frame designed for wheel-type agricultural tractors to minimize the frequency and severity of operator injury resulting from accidental upsets.

General requirements for the protection of operators are specified in [29 CFR 1928.51](#) - *roll-over protective structures (ROPS) for tractors used in agricultural operations*.

[1928.52\(b\)](#) - *Types of tests*. All protective frames for wheel-type agricultural tractors shall be of a model that has been *tested* as follows: [Reference [paragraph \(b\)\(1\) - \(2\)](#)].

[1928.52\(d\)](#) - *Test procedures*.

- [1928.52\(d\)\(1\)](#) - General. [Reference [paragraph \(d\)\(1\)\(i\) - \(viii\)](#) and [\(e\)\(1\)](#)].
- [1928.52\(d\)\(2\)](#) - *Static test procedure*. [Reference [paragraph \(d\)\(2\)\(i\) - \(iii\)](#) and [\(e\)\(2\)](#)].
- [1928.52\(d\)\(3\)](#) - *Dynamic test procedure*. [Reference [paragraph \(d\)\(3\)\(i\) - \(iii\)](#) and [\(e\)\(3\)](#)].
- [1928.52\(d\)\(4\)](#) - *Field-upset test procedure*. [Reference [paragraph \(d\)\(4\)\(i\) - \(ii\)](#) and [\(e\)\(4\)](#)].

## **1928.53 - Protective Enclosures for Wheel-type Agricultural Tractors - Test Procedures and Performance Requirements**

**Scope:** This [standard](#) provides protective enclosures for wheel-type agricultural tractors - test procedures and performance requirements.

**Special Requirements:** Tests, test procedures, references other standards

[1928.53\(a\)](#) - Purpose. The purpose of this section is to establish the *test and performance* requirements for a protective enclosure designed for wheel-type agricultural tractors to minimize the frequency and severity of operator injury resulting from accidental upset. General requirements for the protection of operators are specified in [29 CFR 1928.51](#) - *roll-over protective structures (ROPS) for tractors used in agricultural operations*.

[1928.53\(b\)](#) - *Types of tests*. All protective enclosures for wheel-type agricultural tractors shall be of a model that has been *tested* as follows: [Reference [paragraph \(b\)\(1\) - \(2\)](#)].

[1928.53\(d\)](#) - *Test procedures*.

- [1928.53\(d\)\(1\)](#) - General. [Reference [paragraph \(d\)\(1\)\(i\) - \(ix\)](#) and [\(e\)\(1\)](#)].
- [1928.53\(d\)\(2\)](#) - *Static test procedure*. [Reference [paragraph \(d\)\(2\)\(i\) - \(iii\)](#) and [\(e\)\(2\)](#)].
- [1928.53\(d\)\(3\)](#) - *Dynamic test procedure*. [Reference [paragraph \(d\)\(3\)\(i\) - \(iii\)](#) and [\(e\)\(3\)](#)].

- [1928.53\(d\)\(4\)](#) - *Field-upset test procedure*. [Reference [paragraph \(d\)\(4\)\(i\)](#) - [\(ii\)](#) and [\(e\)\(4\)](#)].

## Subpart D - [Safety for Agricultural Equipment](#)

[Subpart D](#) provides for the protection of employees from the hazards associated with moving machinery parts of farm field equipment, farmstead equipment, and cotton gins used in any agricultural operation.

To learn if subpart D applies to you, go to [Does "Subpart D - Safety for Agricultural Equipment" Apply to You?](#)

### Special Requirements

#### **1928.57 - Guarding of Farm Field Equipment, Farmstead Equipment, and Cotton Gins**

**Scope:** This [standard](#) provides the requirements for the guarding of farm field equipment, farmstead equipment, and cotton gins.

**Special Requirements:** Operating instructions, instruct, safe operating practices, servicing, maintenance, audible warning, safety sign, warning device, audible signal

[1928.57\(a\)\(6\)](#) - *Operating instructions*. At the time of *initial assignment and at least annually* thereafter, the employer shall *instruct* every employee in the safe operation and servicing of all covered equipment with which he is or will be involved, including at least the following *safe operating practices*: [Reference [paragraph \(a\)\(6\)\(i\)](#) - [\(v\)](#)].

[1928.57\(a\)\(11\)](#) - *Servicing and maintenance*. Whenever a moving machinery part presents a hazard during servicing or maintenance, the engine shall be stopped, the power source disconnected, and all machine movement stopped before servicing or maintenance is performed, except where the employer can establish that: [Reference [paragraph \(a\)\(11\)\(i\)](#) - [\(iii\)](#)].

[1928.57\(b\)\(4\)\(ii\)](#) - *Access to moving parts*. Where removal of a guard or access door will expose an employee to any component which continues to rotate after the power is disengaged, the employer shall provide, in the immediate area, the following:

- [1928.57\(b\)\(4\)\(ii\)\(A\)](#) - A readily visible or *audible warning* of rotation; and

- [1928.57\(b\)\(4\)\(ii\)\(B\)](#) - A *safety sign* warning the employee to: [Reference [paragraph \(b\)\(4\)\(ii\)\(B\)\(1\) - \(2\)](#)].

[1928.57\(c\)\(1\)\(iii\)](#) - Farmstead equipment. PTO guarding. *Signs* shall be placed at prominent locations on power take-off driven equipment specifying that power drive system safety shields must be kept in place.

[1928.57\(c\)\(4\)\(ii\)\(A\)](#) - Farmstead equipment. Access to moving parts. A readily visible or *audible warning* of rotation; and

[1928.57\(c\)\(4\)\(ii\)\(B\)](#) - Farmstead equipment. Access to moving parts. A *safety sign* warning the employee to: [Reference [paragraph \(c\)\(4\)\(ii\)\(B\)\(1\) - \(2\)](#)].

[1928.57\(c\)\(5\)\(i\)](#) - Application of electrical power from a location not under the immediate and exclusive control of the employee or employees *maintaining or servicing* equipment shall be prevented by: [Reference [paragraph \(c\)\(5\)\(i\) - \(ii\)](#)].

[1928.57\(d\)\(3\)](#) - *Warning device*. A *warning device* shall be installed in all gins to provide an *audible signal* which will indicate to employees that any or all of the machines comprising the gin are about to be started. The *signal* shall be of sufficient volume to be heard by employees, and shall be sounded each time before starting the gin.

## Subpart I - [General Environmental Controls](#)

[Subpart I](#) provides the field sanitation requirements that applies to any agricultural establishment where eleven (11) or more employees are engaged on any given day in hand-labor operations in the field.

**Note:** The North Carolina State Specific Standard, [13 NCAC 07F .0302](#) - General Environmental Controls, modified the scope of 29 CFR 1928.110 - Field Sanitation, **paragraph (a)**, as follows: "The scope shall not be limited to any specific number of employees."

To learn if subpart I applies to you, go to [Does "Subpart I - General Environmental Controls" Apply to You?](#)

## Special Requirements

### 1928.110 - Field Sanitation

**Scope:** This [standard](#) provides the requirements for field sanitation.

**Special Requirements:** Public health sanitation practices, notify, inform, good hygiene practices

[1928.110\(c\)\(3\)](#) - Maintenance. Potable drinking water and toilet and handwashing facilities shall be maintained in accordance with appropriate *public health sanitation practices*, including the following: [Reference [paragraph \(c\)\(3\)\(i\) - \(iv\)](#)].

[1928.110\(c\)\(4\)](#) - Reasonable use. The employer shall *notify* each employee of the location of the sanitation facilities and water and shall allow each employee reasonable opportunities during the workday to use them. The employer also shall *inform* each employee of the importance of each of the following *good hygiene practices* to minimize exposure to the hazards in the field of heat, communicable diseases, retention of urine and agrichemical residues: [Reference [paragraph \(c\)\(4\)\(i\) - \(v\)](#)].

## **Subpart M - [Occupational Health](#)**

[Subpart M](#) contains the cadmium standard.

To learn if subpart M applies to you, go to [Does "Subpart M - Occupational Health" Apply to You?](#)

### **1928.1027 – Cadmium**

**Scope:** This [standard](#) provides the requirements pertaining to cadmium.

**Special Requirements:** Permissible exposure limit, engineering controls, work practice controls, regulated areas, demarcation, respirators, PPE, authorized persons, exposure monitoring, determine, monitor, training, time-weighted average, methods, data, work practices, demonstrating, sampling, action level, job classification, (written) compliance program, report, schedule of implementation, housekeeping, HEPA vacuuming, work practice program, description, (written) plan for emergency situations, procedures, reporting, physician, written opinion, monitoring results, hazard communication program, warning signs, medical removal, medical surveillance, posted, labeling, examinations, tests, safety data sheets, medical records, observation procedures, exposure records, references other standards

[1910.1027\(a\)](#) - Scope. This standard applies to all occupational exposures to cadmium and cadmium compounds, in all forms, and in all industries covered by the Occupational Safety and Health Act, except the construction-related industries, which are covered under 29 CFR 1926.63 ([1926.1127](#)) - *cadmium*.



1910.1027(c) - *Permissible Exposure Limit (PEL)*. The employer shall assure that no employee is exposed to an airborne concentration of cadmium in excess of five micrograms per cubic meter of air ( $5 \mu\text{g}/\text{m}^3$ ), calculated as an *eight-hour time-weighted average exposure (TWA)*.

1910.1027(d) - *Exposure monitoring*.

- 1910.1027(d)(1)(i) - Each employer who has a workplace or work operation covered by this section shall *determine* if any employee may be exposed to cadmium at or above the *action level*.
- 1910.1027(d)(1)(ii) - *Determinations* of employee exposure shall be made from breathing zone air samples that reflect the *monitored* employee's regular, daily 8-hour *TWA exposure* to cadmium.
- 1910.1027(d)(1)(iii) - *Eight-hour TWA exposures* shall be *determined* for each employee on the basis of one or more personal breathing zone air samples reflecting full shift exposure on each shift, for each *job classification*, in each work area. Where several employees perform the same job tasks, in the same *job classification*, on the same shift, in the same work area, and the length, duration, and level of *cadmium exposures* are similar, an employer may sample a representative fraction of the employees instead of all employees in order to meet this requirement. In *representative sampling*, the employer shall sample the employee(s) expected to have the highest *cadmium exposures*.
- 1910.1027(d)(2)(i) - *Initial monitoring*. Except as provided for in paragraphs (d)(2)(ii) and (d)(2)(iii) of this section, the employer shall *monitor employee exposures* and shall base initial *determinations* on the *monitoring results*.
- 1910.1027(d)(2)(ii) - Where the employer has *monitored* after September 14, 1991, under conditions that in all important aspects closely resemble those currently prevailing and where that *monitoring* satisfies all other requirements of this section, including the accuracy and confidence levels of paragraph (d)(6) of this section, the employer may rely on such earlier *monitoring results* to satisfy the requirements of paragraph (d)(2)(i) of this section.
- 1910.1027(d)(2)(iii) - Where the employer has objective data, as defined in paragraph (n)(2) of this section, *demonstrating that employee exposure* to cadmium will not exceed the action level under the expected conditions of processing, use, or handling, the employer may rely upon such *data* instead of implementing initial *monitoring*.



- [1910.1027\(d\)\(3\)](#) - *Monitoring Frequency (periodic monitoring)*. [Reference [paragraph \(d\)\(3\)\(i\) - \(ii\)](#)].
- [1910.1027\(d\)\(4\)](#) - *Additional Monitoring*. The employer also shall institute the *exposure monitoring* required under [paragraphs \(d\)\(2\)\(i\)](#) and [\(d\)\(3\)](#) of this section whenever there has been a change in the raw materials, equipment, personnel, *work practices*, or finished products that may result in additional employees being *exposed* to cadmium at or above the action level or in employees already *exposed* to cadmium at or above the *action level* being exposed above the PEL, or whenever the employer has any reason to suspect that any other change might result in such further *exposure*.
- [1910.1027\(d\)\(5\)](#) - *Employee Notification of Monitoring Results*. [Reference [paragraph \(d\)\(5\)\(i\) - \(ii\)](#)].
- [1910.1027\(d\)\(6\)](#) - *Accuracy of measurement*. The employer shall use a method of *monitoring and analysis* that has an accuracy of not less than plus or minus 25 percent ( $\pm 25\%$ ), with a confidence level of 95 percent, for airborne concentrations of cadmium at or above the *action level*, the *permissible exposure limit (PEL)*, and the separate *engineering control* air limit (SECAL).

[1910.1027\(e\)](#) - *Regulated areas*.

- [1910.1027\(e\)\(1\)](#) - *Establishment*. The employer shall establish a *regulated area* wherever an employee's exposure to airborne concentrations of cadmium is, or can reasonably be expected to be in excess of the *permissible exposure limit (PEL)*.
- [1910.1027\(e\)\(2\)](#) - *Demarcation*. *Regulated areas* shall be *demarcated* from the rest of the workplace in any manner that adequately establishes and alerts employees of the boundaries of the *regulated area*.
- [1910.1027\(e\)\(3\)](#) - *Access*. Access to *regulated areas* shall be limited to *authorized persons*.
- [1910.1027\(e\)\(4\)](#) - *Provision of respirators*. Each person entering a *regulated area* shall be supplied with and required to use a *respirator*, selected in accordance with [paragraph \(g\)\(2\)](#) of this section.
- [1910.1027\(e\)\(5\)](#) - *Prohibited activities*. The employer shall assure that employees do not eat, drink, smoke, chew tobacco or gum, or apply cosmetics in *regulated areas*, carry the products associated with these activities into *regulated areas*, or store such products in those areas.

1910.1027(f) - *Methods of compliance.*

- 1910.1027(f)(1)(i) - Except as specified in paragraphs (f)(1)(ii), (iii) and (iv) of this section the employer shall implement *engineering and work practice controls* to reduce and maintain *employee exposure* to cadmium at or below the PEL, except to the extent that the employer can *demonstrate that such controls* are not feasible.
- 1910.1027(f)(1)(ii) - Except as specified in paragraphs (f)(1)(iii) and (iv) of this section, in industries where a separate *engineering control* air limit (SECAL) has been specified for particular processes [See Table 1 in this paragraph (f)(1)(ii)], the employer shall implement *engineering and work practice controls* to reduce and maintain employee exposure at or below the SECAL, except to the extent that the employer can *demonstrate* that such *controls* are not feasible.
- 1910.1027(f)(1)(iii) - The requirement to implement *engineering and work practice controls* to achieve the *PEL* or, where applicable, the SECAL does not apply where the *employer demonstrates* the following: [Reference paragraph (f)(1)(iii)(A) - (B)].
- 1910.1027(f)(1)(iv) - Wherever *engineering and work practice controls* are required and are not sufficient to reduce *employee exposure* to or below the *PEL* or, where applicable, the SECAL, the employer nonetheless shall implement such *controls* to reduce exposures to the lowest levels achievable. The employer shall supplement such *controls* with *respiratory protection* that complies with the requirements of paragraph (g) of this section and the *PEL*.
- 1910.1027(f)(1)(v) - The employer shall not use employee rotation as a *method of compliance*.
- 1910.1027(f)(2)(i) - Where the *PEL* is exceeded, the employer shall establish and implement a *written compliance program* to reduce *employee exposure* to or below the *PEL* by means of *engineering and work practice controls*, as required by paragraph (f)(1) of this section. To the extent that *engineering and work practice controls* cannot reduce exposures to or below the *PEL*, the employer shall include in the *written compliance program* the use of appropriate *respiratory protection* to achieve compliance with the *PEL*.
- 1910.1027(f)(2)(ii) - *Written compliance programs* shall include at least the following: [Reference paragraph (f)(2)(ii) - (iv)].

1910.1027(g)(1) - General. For employees who use *respirators* required by this section, the employer must provide each employee an appropriate *respirator* that complies with the

requirements of this paragraph. *Respirators* must be used during: [Reference [paragraph \(g\)\(1\)\(ii\) - \(vii\)](#)].

[1910.1027\(g\)\(2\)](#) - *Respirator program*. [Reference [paragraph \(g\)\(2\) - \(3\)](#)].

[1910.1027\(h\)](#) - Emergency situations. The employer shall develop and implement a *written plan for dealing with emergency situations* involving substantial releases of airborne cadmium. The *plan* shall include provisions for the use of appropriate *respirators and personal protective equipment*. In addition, employees not essential to correcting the emergency situation shall be restricted from the area and normal operations halted in that area until the emergency is abated.

[1910.1027\(i\)\(1\)](#) - Provision and use. If an employee is exposed to airborne cadmium above the PEL or where skin or eye irritation is associated with cadmium exposure at any level, the employer shall provide at no cost to the employee, and assure that the employee uses, appropriate *protective work clothing and equipment* that prevents contamination of the employee and the employee's garments. *Protective work clothing and equipment* includes, but is not limited to: [Reference [paragraph \(i\)\(1\) - \(3\)](#)].

[1910.1027\(j\)](#) - *Hygiene areas and practices*.

- [1910.1027\(j\)\(1\)](#) - *General*. For employees whose airborne exposure to cadmium is above the PEL, the employer shall provide clean change rooms, handwashing facilities, showers, and lunchroom facilities that comply with [29 CFR 1910.141 - sanitation](#).
- [1910.1027\(j\)\(2\)](#) - Change rooms. The employer shall assure that change rooms are equipped with separate storage facilities for street clothes and for *protective clothing and equipment*, which are designed to prevent dispersion of cadmium and contamination of the employee's street clothes.
- [1910.1027\(j\)\(3\)](#) - *Showers and handwashing facilities*. [Reference [paragraph \(j\)\(3\)\(i\) - \(ii\)](#)].
- [1910.1027\(j\)\(4\)\(ii\)](#) - The employer shall assure that employees do not enter lunchroom facilities with *protective work clothing or equipment* unless surface cadmium has been removed from the *clothing and equipment by HEPA vacuuming* or some other method that removes cadmium dust without dispersing it.

[1910.1027\(k\)](#) - *Housekeeping*. [Reference [paragraph \(k\)\(1\) - \(7\)](#)].

[1910.1027\(l\)](#) - *Medical surveillance*. [Reference [paragraph \(l\)\(1\) - \(5\)](#)].

- [1910.1027\(l\)\(6\)](#) - *Examination for respirator use*. [Reference [paragraph \(l\)\(6\) - \(8\)](#)].
- [1910.1027\(l\)\(9\)](#) - *Information provided to the physician*. The employer shall provide the following *information* to the examining *physician*: [Reference [paragraph \(l\)\(9\)\(i\) - \(v\)](#)].
- [1910.1027\(l\)\(10\)](#) - *Physician's written medical opinion*. [Reference [paragraph \(l\)\(10\)\(i\) - \(iii\)](#)].
- [1910.1027\(l\)\(11\)](#) - *Medical Removal Protection (MRP)*. [Reference [paragraph \(l\)\(11\)\(i\) - \(vi\)](#)].
- [1910.1027\(l\)\(12\)](#) - *Medical Removal Protection Benefits (MRPB)*. [Reference [paragraph \(l\)\(12\)\(i\) - \(iv\)](#)].
- [1910.1027\(l\)\(13\)](#) - *Multiple physician review*. [Reference [paragraph \(l\)\(13\)\(i\) - \(v\)](#)].
- [1910.1027\(l\)\(14\)](#) - *Alternate physician determination*. The employer and an employee or designated employee representative may agree upon the use of any alternate form of physician determination in lieu of the multiple *physician review* provided by [paragraph \(l\)\(13\)](#) of this section, so long as the alternative is expeditious and at least as protective of the employee.
- [1910.1027\(l\)\(15\)](#) - *Information* the employer must provide the employee. [Reference [paragraph \(l\)\(15\)\(i\) - \(iii\)](#)].
- [1910.1027\(l\)\(16\)](#) - *Reporting*. In addition to other medical events that are required to be *reported* on the OSHA Form No. 200 ([OSHA Form 300](#)), the employer shall report any abnormal condition or disorder caused by occupational exposure to cadmium associated with employment as specified in Chapter (V)(E) of the Reporting Guidelines for Occupational Injuries and Illnesses.

[1910.1027\(m\)](#) - *Communication of cadmium hazards to employees*.

- [1910.1027\(m\)\(1\)\(i\)](#) - Chemical manufacturers, importers, distributors and employers shall comply with all requirements of the *Hazard Communication Standard (HCS)* ([§ 1910.1200](#)) for cadmium.
- [1910.1027\(m\)\(1\)\(ii\)](#) - In *classifying* the hazards of cadmium at least the following hazards are to be addressed: Cancer; lung effects; kidney effects; and acute toxicity effects.

- [1910.1027\(m\)\(1\)\(iii\)](#) - Employers shall include cadmium in the *hazard communication program* established to comply with the HCS ([§ 1910.1200](#)). Employers shall ensure that each employee has access to *labels* on containers of cadmium and to *safety data sheets*, *and is trained* in accordance with the requirements of HCS and [paragraph \(m\)\(4\)](#) of this section.
- [1910.1027\(m\)\(2\)](#) - *Warning signs*. [Reference [paragraph \(m\)\(2\)\(i\) - \(iv\)](#)].
- [1910.1027\(m\)\(3\)](#) - *Warning labels*. [Reference [paragraph \(m\)\(3\)\(i\) - \(iv\)](#)].
- [1910.1027\(m\)\(4\)](#) - *Employee information and training*. [Reference [paragraph \(m\)\(4\)\(i\) - \(iv\)](#)].

[1910.1027\(n\)](#) - *Recordkeeping*. [Reference [paragraph \(n\)\(1\) - \(3\)](#)].

- [1910.1027\(n\)\(4\)\(i\)](#) - Except as otherwise provided for in this section, access to all *records* required to be maintained by [paragraphs \(n\)\(1\) through \(3\)](#) of this section shall be in accordance with the provisions of [29 CFR 1910.1020](#) - *access to employee exposure and medical records*.
- [1910.1027\(n\)\(4\)\(ii\)](#) - *Within 15 days* after a request, the employer shall make an employee's *medical records* required to be kept by [paragraph \(n\)\(3\)](#) of this section available for examination and *copying* to the subject employee, to designated representatives, to anyone having the specific *written consent* of the subject employee, and after the employee's death or incapacitation, to the employee's family members.

[1910.1027\(o\)](#) - *Observation of monitoring*. [Reference [paragraph \(o\)\(1\) - \(2\)](#)].

## **Additional Assistance for Agriculture**

If the employer still has questions regarding the OSHA standards or North Carolina state-specific standards, they can submit an inquiry about safety and health requirements to Ask OSH through the [online form](#), by email to [ask.osh@labor.nc.gov](mailto:ask.osh@labor.nc.gov), or by phone at 919-707-7876.

Additional resource information can be found on the [safety and health topics](#) pages including [Agriculture Safety and Health Resources \(Scan QR Code\)](#) along with [CFR 1928 - Agriculture Standards With Special Requirements](#), [29 CFR 1904 - Recordkeeping Standards With Special Requirements](#), and [NC State-Specific Standards With Special](#)

[Requirements](#) which provides special requirements for standards related to agriculture, recordkeeping and applicable state-specific standards.

Example safety and health [programs](#) and [presentations](#) ([pre-recorded webinars](#)) along with [agriculture publications](#) are available to assist the employer in meeting standards requirements. Specifically, the brochure on [top ten most frequently cited serious violations](#) can be useful in identifying frequently cited violations by industry. For more information regarding the required state and federal workplace posters, go to the [NCDOL State and Federal workplace posters](#) webpage.

The [agricultural safety and health \(ASH\)](#) bureau can assist you with your safety and health program. The bureau's safety professionals are trained to help you, our N.C. growers, identify and eliminate all hazards. They can show you how taking the time to train your employees, by encouraging discussions with them and rewarding them for excellence, can build trust and foster a safety culture that prevents injuries and illnesses on the job.

The [NCDOL Library](#) also offers free safety and health videos and related research assistance on consensus standards (i.e., ANSI, NFPA, NEC). The education, training and technical assistance bureau provides [free online safety and health training](#) and [outreach services](#) (i.e., speaker's bureau requests, safety booths) upon request.

## **[Special Emphasis Programs](#)**

The North Carolina Special Emphasis Programs (SEPs) are part of the NC OSH Division's five year strategic management plan for which its two principal goals are: 1) to reduce the state's workplace fatality rate by at least 2%; and 2) to reduce the state's non-fatal injury and illness rate by at least 5%. For each SEP that applies to a specific industrial sector, similar goals for reducing the fatality rate and/or non-fatal injury and illness rate are applied.

## **Special Emphasis Programs**

### **What is a Special Emphasis Program?**

From the context of occupational safety and health, a special emphasis program (SEP) is a concerted effort for which the goals are:

- To reduce or eliminate fatalities overall and within specific industry sectors;
- To reduce injury and illness rates in specific business sectors to levels below the national average for those sectors; and

- To reduce or eliminate employee exposure to specific types of hazards.

### **What SEPs are currently in effect in North Carolina?**

The special emphasis programs in effect in North Carolina are part of the OSH Division five-year strategic management plan. The SEPs currently in effect or added as part of the next five-year strategic management plan are listed below with links provided to the corresponding safety and health topic page:

- [Amputations Special Emphasis Program](#)
- [Construction Special Emphasis Program](#)
- [Food Manufacturing Special Emphasis Program](#)
- [Health Hazards Special Emphasis Program](#) (see [Lead](#), [Isocyanates](#), [Hexavalent Chromium](#), [Silica](#), [Beryllium](#))
- [Long Term Care Special Emphasis Program](#)
- [Logging and Arboriculture Special Emphasis Program](#)
- *New!* [Struck-By Special Emphasis Program](#)
- [Warehousing and Storage and Related Product Distribution Special Emphasis Program](#)

### **How does the OSH Division conduct a Special Emphasis Program?**

Each of the bureaus in the OSH Division has designated responsibilities within each SEP.

- The East and West Compliance Bureaus conduct [enforcement activity](#) targeted at covered industries to ensure compliance with occupational safety and health rules and regulations towards the goal of reducing or eliminating employee exposure to the focus hazards of that SEP.
- The [Consultative Services Bureau](#) (CSB) conducts on-site visits and audits to assist employers that voluntarily seek help in identifying and eliminating hazards and improving their overall safety and health programs.
- The Education, Training and Technical Assistance (ETTA) Bureau provides [outreach training](#) for each SEP to assist employers to identify and abate hazards in the workplace and to learn the requirements of applicable OSH standards.
- The Planning, Statistics and Information Management (PSIM) Bureau develops targeting schedules for each SEP to better allocate compliance resources and provides the SEP team leaders with updated injury and illness incidence rates to assist them in determining the impact of that focus.

### **What are the various types of emphasis programs?**

- National Emphasis Program ([NEP](#))



- Apply to all Federal OSHA Regions
- State Plan States required to implement the same or equally effective emphasis programs
- Local Emphasis Program ([LEP](#))
  - Administered by Federal OSHA
  - Designed and implemented at regional office and/or area office level
  - Intended to address hazards or industries that pose a particular risk to workers in the office's jurisdiction
  - Accompanied by outreach
  - Apply only to states under Federal OSHA jurisdiction
- North Carolina Special Emphasis Program ([SEP](#))
  - May be identical to OSHA NEP or LEP
  - Often unique to circumstances in North Carolina (OSHA state plan state)

## North Carolina State-Specific Standards

These webpages are designed to assist employers in complying with standards that have "**special requirements**". For the purpose of this technical guidance, special requirements includes programs, plans, procedures, policies, inspections, certifications, competent persons, qualified persons, training, medical surveillance, exposure monitoring, signs, tags, markings, tests, records and recordkeeping requirements that are applicable in meeting the requirements of OSHA standards by industry. *If a standard or subpart are not listed, it did not have one of these types of special requirements.*

**Note:** *While all attempts have been made to ensure the accuracy of the content and completeness in the information provided, it may not include all the specific standards that have special requirements that may be required by an OSHA standard. To ensure completeness in meeting each standard's requirement, the specific standard should be referenced.*

This webpage ([Printable Version](#)) is to be used in conjunction with the [Which OSHA Standards Apply](#) webpages for [North Carolina State-Specific Standards](#).

To learn more about these special requirements, click on the tabs below.

### Special Requirements

- NCGS 95-129(1) - [General Duty Clause](#)
- NCGS 95-173 through 95-218 - [Hazardous Chemical Right To Know Act](#)
- 13 NCAC 7A .0600 through .0606 - [Safety and Health Programs and Committees](#)
- 13 NCAC 07F .0302 - [General Environmental Controls](#)

- [Additional Assistance on North Carolina State-Specific Standards](#)

## NCGS 95-129(1) - [General Duty Clause](#)

The [NCGS 95-129\(1\)](#) - General Duty Clause is used when there isn't a standard for a recognized hazard that can cause death or serious injury or serious physical harm.

To learn if NCGS 95-129(1) applies to you, go to [Does the "General Duty Clause" Apply to You?](#)

### Special Requirements

## NCGS 95-129(1) - General Duty Clause

**Scope:** This [standard](#) is used when there isn't a standard for a recognized hazard that can cause death or serious injury or serious physical harm.

**Special Requirements:** Rights and duties, recognized

*Rights and duties* of employers shall include but are not limited to the following provisions: [Reference [NCGS 95-129\(1\) - \(8\)](#)].

- (1) Each employer shall furnish to each of his employees conditions of employment and a place of employment free from *recognized* hazards that are causing or are likely to cause death or serious injury or serious physical harm to his employees;

## NCGS 95-173 through 95-218 - [Hazardous Chemical Right To Know Act](#)

[NCGS 95-173 through 95-218](#) - Hazardous Chemical Right To Know Act provides the standards for the Hazardous Chemicals Right to Know Act applicable in North Carolina.

To learn if NCGS 95-173 through 95-218 applies to you, go to [Does the "Hazardous Chemical Right To Know Act" Apply to You?](#)

### Special Requirements

## NCGS 95-173 through 95-218 - Hazardous Chemical Right To Know Act

**Scope:** This [standard](#) provides the standards for the right to know about hazardous chemicals.

**Special Requirements:** Label, list, information, notify, emergency response plan, evacuation procedures, safety data sheet, updated quarterly/annually, fire chief, fire department, inspection, chemical manufacturers and distributors, in writing, written request, contingency plan, testify, prefire plan, request, written notification, inspect, commissioner of labor, complaints, investigations, credentials, administrative hearings, healthcare provider, determines, written statement, posting, confidentiality agreement, references other standards

#### § 95-191. *Hazardous Substance List.*

- (a) All employers who manufacture, process, use, store, or produce hazardous chemicals, shall compile and maintain a *Hazardous Substance List* which shall contain all of the following *information* for each hazardous chemical stored in the facility in quantities of 55 gallons or 500 pounds, whichever is greater:  
[Reference [95-191 - paragraph \(a\)\(1\) - \(3\)](#)]
  - (1) The chemical name or the common name used on the *SDS or container label*.
- (b) The *Hazardous Substance List* shall be *updated quarterly* if necessary, but not less often than annually; however, if a chemical is deleted from, or added to, the *Hazardous Substance List*, or if the quantity changes sufficiently to cause the chemical to be in a different class as defined in subsection (a) of this section, the employer shall update the *Hazardous Substance List* to reflect those changes as soon as practicable, but in any event within 30 days of such change.
  - (b1) In lieu of the *information* required by subdivisions (a)(1) through (a)(3), employers may substitute the *information* specified in [section 312\(d\)\(2\) of the Superfund Amendments and Reauthorization Act of 1986, P.L. 99-499](#).
- (c) The *Hazardous Substance List* may be prepared for the facility as a whole, or for each area in a facility where hazardous chemicals are stored, at the option of the employer but shall include only chemicals used or stored in North Carolina.

#### § 95-192. *Safety data sheets.*

- (a) *Chemical manufacturers and distributors* shall provide *safety data sheets (SDSs)* to manufacturing and nonmanufacturing purchasers of hazardous chemicals in North Carolina for each hazardous chemical purchased.
- (b) Employers shall *maintain* the most current *SDS* received from *manufacturers or distributors* for each hazardous chemical purchased. If an *SDS* has not been provided by the *manufacturer or distributor* for chemicals on the *Hazardous Substance List* at the time the chemicals are received at the facility, the employer shall *request* one in *writing* from the *manufacturer or distributor* within 30 days after

receipt of the chemical. If the employer does not receive an *SDS* within 30 days after his *written request*, he shall *notify the Commissioner of Labor* of the failure by *manufacturer or distributor* to provide the *SDS*.

§ 95-193. *Labels.*

- Existing *labels* on incoming containers of hazardous chemicals shall not be removed or defaced. All containers of hazardous substances must be clearly designated as hazardous.

§ 95-194. *Emergency information.*

- (a) An employer who normally stores at a facility any hazardous chemical in an amount of at least 55 gallons or 500 pounds, whichever is greater, shall provide the *Fire Chief* of the *Fire Department* having jurisdiction over the facility, *in writing*, (i) the name(s) and telephone number(s) of knowledgeable representative(s) of the employer who can be contacted for further *information* or in case of an emergency and (ii) a *copy of the Hazardous Substance List*.
- (b) Each employer shall provide a *copy of the Hazardous Substance List* to the *Fire Chief*. The employer shall *notify the Fire Chief in writing* of any updates that occur in the previously submitted *Hazardous Substance List* as provided in G.S. 95-191(b).
- (c) The *Fire Chief* or his representative, upon request, shall be permitted on-site *inspections* at reasonable times of the chemicals located at the facility on the *Hazardous Substance List* for the sole purpose of preplanning *Fire Department* activities in the case of an emergency and insuring by *inspection* the usefulness and accuracy of the *Hazardous Substance List and labels*.
- (d) Employers shall provide to the *Fire Chief*, upon written request of the *Fire Chief*, a *copy* of the *SDS* for any chemical on the *Hazardous Substance List*.
- (e) Upon *written request of the Fire Chief*, an employer shall prepare an *emergency response plan* for the facility that includes facility *evacuation procedures*, a *list* of emergency equipment available at the facility, and *copies of other emergency response plans*, such as the *contingency plan* required under rules governing the management of hazardous waste adopted pursuant to [Article 9 of Chapter 130A of the General Statutes](#). A *copy of the emergency response plan* or any *prefire plan* or *emergency response plan* required under applicable North Carolina or federal *statute or rule or regulation* shall, upon *written request by the Fire Chief*, be given to the *Fire Chief*.
- (f) The *Fire Chief* shall make *information* from the *Hazardous Substance List*, the *emergency response plan*, and *SDSs* available to members of the *Fire Department* having jurisdiction over the facility and to personnel responsible for preplanning emergency response, police, medical or fire activities, but shall not otherwise distribute or disclose (or allow the disclosure of) *information* not available to the public under G.S. 95-208. Such persons receiving such *information* shall not

disclose the *information* received and shall use such *information* only for the purpose of preplanning emergency response, police, medical or fire activities.

- (g) Any knowing distribution or disclosure (or permitted disclosure) of any *information* referred to in subsection (f) of this section in any manner except as specifically permitted under that subsection (f) shall be punishable as a Class 1 misdemeanor. Restrictions concerning confidentiality or nondisclosure of information under this Article 18 shall be exemptions from the [Public Records Act contained in Chapter 132 of the General Statutes](#), and such *information* shall not be disclosed notwithstanding the provisions of *Chapter 132 of the General Statutes*.

#### § 95-195. Complaints, investigations, penalties.

- (a) *Complaints* of violations of this Part shall be *filed in writing* with the Commissioner of Labor. Such complaints received *in writing from any Fire Chief* relating to alleged violations of this Part shall be *investigated* in a timely manner by the *Commissioner of Labor* or his designated representative.
- (b) Duly designated representatives of the *Commissioner of Labor*, upon presentation of appropriate *credentials* to the employer, shall have the right of entry into any facility at reasonable times to *inspect and investigate complaints* within reasonable limits, and in a reasonable manner. Following the investigation, the *Commissioner* shall make appropriate findings. Either the employer or the person complaining of a violation may request an *administrative hearing* pursuant to *Chapter 150B of the General Statutes*. This request for an administrative hearing shall be submitted to the *Commissioner of Labor* within 14 days following the *Commissioner* making his findings. The *Commissioner* shall within 30 days of receiving the request hold an *administrative hearing* in accordance with [Article 3 of Chapter 150B of the General Statutes](#).
- (c) If the *Commissioner of Labor* finds that the employer violated this Article, the *Commissioner* shall order the employer to comply within 14 days following *receipt of written notification* of the violation. Employers not complying within 14 days following *receipt of written notification* of a violation shall be subject to civil penalties of not more than one thousand dollars (\$1,000) per violation imposed by the *Commissioner of Labor*. There shall be a separate offense for each day the violation continues. The clear proceeds of civil penalties provided for in this section shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with [G.S. 115C-457.2](#).
- (d) Any order by the *Commissioner* under subsection (b) or (c) of this section shall be subject to judicial review as provided under [Article 4 of Chapter 150B of the General Statutes](#).

#### § 95-196. Employee rights.

- No employer shall discharge, or cause to be discharged, or otherwise discipline or in any manner discriminate against an employee at the facility because the employee has assisted the *Commissioner of Labor* or his representative or the *Fire Chief* or his representative who may make or is making an *inspection* under [G.S. 95-194\(c\)](#) or [G.S. 95-195\(b\)](#), or has *testified* or *is about to testify* in any proceeding under this Article, or has used the provisions of [G.S. 95-208](#).

§ 95-197. Withholding hazardous substance trade secret *information*. [Reference [95-197, paragraph \(a\) - \(d\)](#)].

§ 95-198. Medical emergency and nonemergency situations.

- (a) Where a treating *health care provider determines* that a medical emergency exists and the specific chemical identity of a hazardous chemical is necessary for emergency or first-aid treatment, the *chemical manufacturer, importer, or employer* shall immediately disclose the specific chemical identity of a hazardous substance trade secret substance to that treating physician or nurse, regardless of the existence of *written statement* of need or a *confidentiality agreement*. The *chemical manufacturer, importer, or employer* may require a *written statement* of need and a *confidentiality agreement* as soon as circumstances permit.
  - The *confidentiality agreement* (i) may restrict the use of the *information* to the health purposes indicated in a *written statement* of need; (ii) may provide for appropriate legal remedies in the event of a breach of the *agreement*, including stipulation of a reasonable pre-estimate of likely damages; and (iii) may not include requirements for the *posting* of a penalty bond. The parties are not precluded from pursuing noncontractual remedies to the extent permitted by law.
- (b) In nonemergency situations, a *chemical manufacturer, importer, or employer* shall, upon request, disclose a specific chemical identity, otherwise permitted to be withheld under this section, to a responsible party, as defined in the standards adopted in Title 13, Subchapter 7F of the [North Carolina Administrative Code \(13 NCAC 7F\)](#), providing medical or other occupational health services to exposed persons if the request is *in writing* and states the medical need for the *information*. The employer may require that the responsible party sign a *confidentiality agreement* prior to release of the *information*. The parties are not precluded from pursuing noncontractual remedies to the extent permitted by law.
- (c) If the *chemical manufacturer, importer or employer* denies a *written request* for *hazardous substance trade secret release*, or does not provide this *information* within 30 days, the Department of Labor shall initiate the *trade secret claim determination* process under G.S. 95-197.

§ 95-208. *Community information* on hazardous chemicals.[Reference 95-208, [paragraph \(a\) - \(b\)](#)].



§ 95-217. Preemption of *local regulations*. [Reference [95-217](#)].

## 13 NCAC 7A .0600 through .0606 - [Safety and Health Programs and Committees](#)

[13 NCAC 7A .0600 through .0606](#) - Safety and Health Programs and Committees establishes programs which promote safety and health for all North Carolina employers with a workers' compensation experience rate modifier of 1.5 or above.

To learn if 13 NCAC 7A .0600 through .0606 applies to you, go to [Does "Safety and Health Programs and Committees" Apply to You?](#)

### Special Requirements

#### 13 NCAC 07A .0603 - Safety and Health Programs

**Scope:** This [standard](#) provides requirements for safety and health programs.

**Special Requirements:** Safety and health programs, committee, participation, communicated, corrective action, controls, investigated, record, compliance plans, inspected, affected employees, safety committee, checklist (written), investigation, self-audit, safe work practices, marked, enforced, analyze, rules, informed, safety data sheets, statement, written findings, measured, written program, copy, retained, references other standards

(a) All *Safety and Health programs* established under [G.S. 95-251](#) for both fixed locations and non-fixed locations shall meet or exceed the requirements of [G.S. 95-251\(b\)\(1\)-\(9\)](#).

(b) The *written program* shall also include:

- (1) The manner in which managers, supervisors, and employees are responsible for implementing the *program* and how the continued *participation* of management will be established, *measured*, and maintained including specifically what the leadership role of the top employer official at the worksite shall be in regard to the *program*.
- (2) The manner in which the *plan* will be communicated to all *affected employees* so that they are *informed* of work-related hazards and *controls*.
- (3) The manner in which *safe work practices and rules* will be enforced.



- (4) The manner in which workplace accidents will be *investigated and corrective action* implemented. The employer shall keep a *comprehensive record* of accident *investigations*, findings, and corresponding *corrective action taken*.
- (5) The manner in which near-miss incidents will be *investigated*. Special emphasis will be placed on identifying all contributing factors to any near-miss incident. The employer shall keep a *comprehensive record* of each such incident and the findings relating to it, and shall keep a *record* of all corresponding *corrective action* taken.
- (6) The *methods* used to identify, *analyze* and control new or existing hazards, conditions and operations, and the manner in which changes will be incorporated into the *safety program, safety committee checklist, and communicated* to all *affected employees*.
- (7) *Written compliance plans* as required by either the *Mine Safety laws or OSHA standards*, whichever is applicable to the employer. *Written compliance plans* shall include, the following *OSHA standards*, when applicable: Excavations, Hazard Communication, Occupational Noise Exposure, Control of Hazardous Energy Sources (Lockout/Tagout), Respiratory Protection, Process Safety Management of Highly Hazardous Chemicals, Bloodborne Pathogens, Life Safety Code, Cotton Dust, and Confined Spaces.
- (8) A *written checklist* of all potential hazards to be *inspected* during the *quarterly inspections* required pursuant to [G.S. 95-252\(c\)\(4\)d](#), if applicable, including, but not limited to, checking for properly *marked* doors (including exit doors and doors not leading to an exit); properly working fire extinguishers; unlisted hazardous substances, improperly located hazardous substances, or hazardous substances for which there are no *material safety data sheets*; doorways or exit pathways that are cluttered; improperly grounded equipment and exposed live wiring and parts; and unguarded machinery. Each item on the aforementioned *written checklist* shall be *checked* during the *quarterly inspections* and a *copy of the list* shall be *retained* by the employer for not less than two years. All conditions or items deemed to be out of compliance shall be immediately abated, unless circumstances beyond the control of the employer requires a longer period of time.
- (9) The employer shall conduct an *annual self-audit* of all required *safety and health programs*. *Written findings and a statement* of remedial actions taken shall be retained for not less than two years. Companies with less than 11 employees that are not required to have *safety and health committees* shall appoint a company safety officer to conduct the *annual self-audit*.
- (10) The purpose and operation of the *Safety and Health Committee* where such *committee* exists.
- (11) The *methods* used to *communicate* requirements of the *program* to other employers or subcontractors and their employees who may be present at the same site.

## 13 NCAC 07A .0604 - Selection of Safety Committees

**Scope:** This [standard](#) provides the requirements for safety and health committees.

**Special Requirements:** Safety and health committees, determined, certified collective bargaining agent, nomination, ballots, employee meeting, statute, written documentation, processes, retain, collective bargaining process, election process, approved methods, references other standards

(a) An employer may elect to implement any one of the following selection processes as a means of meeting the requirements for selection of representatives to employee *Safety and Health committees* pursuant to [G.S. 95-252\(d\)](#). The employer shall *retain written documentation* outlining any utilized *selection process*. An employer whose employees are represented by a *collective bargaining* representative must utilize either subsection 8, 9, or 10 for *committee* selection purposes. Any non-management employees who choose not to participate in the *collective bargaining process* are still considered to be represented by the *collective bargaining* representative for purposes of this Rule for *committee* selection purposes.

- (1) The employer may devise and implement any means of employee selection so long as: (A) the employee representatives are selected "by and from among the employer's nonmanagement employees" as specified in the *statute*, (B) minimum numbers are met, and (C) the intent of the statute is satisfied.
- (2) The employer may require that all non-management employees serve on a *Safety and Health Committee*. In the instance of a small employer, there may be one committee comprised of all nonmanagement employees which serves the entire organization. In a larger organization, there may be *several committees*, each addressing one or more of the responsibilities of the *safety committee* as outlined in [G.S. 95-252](#), with employees divided among the *committees*.
- (3) The employer may conduct an election at either a *meeting* or through the distribution of *ballots*. The *election process* shall provide for the *nomination* by non-management employees (including self-nominations) of non-management employees in the numbers specified by the employer, but shall not be less than one nor more than the number of non-management members specified by *statute*. The number of non-management employees specified by *statute* receiving the most *nominations* shall serve on the *Safety and Health Committee*.
- (4) The employer may conduct an *employee meeting* at which open nominations are held and secret *ballots* are used to elect employee representatives. The meeting may be for all non-management employees or by working unit.
- (5) The employer may conduct an employee meeting at which non-management employees nominate one peer by *listing* that employee's name on a *ballot*. The *ballots* shall be tallied and the appropriate number of representatives, in the numbers required by *statute*, shall be *determined* by those employees named on the most *ballots*.

- (6) The employer may solicit *nominations* from all non-management employees for employee representatives to serve on the committee, then select representatives by lottery from among those *nominated* to obtain the statutorily appropriate number of employee representatives for the *safety and health committee*.
- (7) The employer may solicit volunteers and nominations from among the non-management employees for a pool of applicants to serve as employee representatives on the *safety committee*. (If no volunteers or nominations are received, the employer shall require that nominations be submitted from a cross section of employee work units within the establishment.) The members of the *applicant pool* shall select from among its ranks the initial employee representatives necessary to meet minimum numbers as specified in the *statute*.
- (8) Employees shall be selected to serve on a *safety and health committee(s)* in accordance with any contract that exists between a *collective bargaining* unit and the employer. Should the contract not otherwise specify selection of a *safety and health committee*, non-management members shall be selected in a manner approved by the *certified collective bargaining agent*.
- (9) Employers having more than one *collective bargaining unit* shall devise and implement a means of employee selection utilizing the provisions of the existing contracts or *methods approved* by the *certified collective bargaining agents*. *Safety committee* members shall be selected in proportionate numbers to the number of employees represented by the *certified collective bargaining agents*.
- (10) Employers having some non-management employees represented by a *collective bargaining agent or agents* and some not represented shall devise a means that utilizes language in the contract or *methods approved* by the *certified collective bargaining agent(s)* for selection of bargaining unit representatives, and one or more of the above means for selecting non-management employee members not represented by the bargaining agent(s). *Safety committee* members shall be selected in proportion to the number of employees represented by the *certified collective bargaining agent(s)* and the number of employees not represented.

## 13 NCAC 07A .0605 - Safety and Health Committee Requirements

**Scope:** This [standard](#) provides the requirements for safety committees.

**Special Requirements:** Safety and health committee, notify(ing), chairperson, general contractor, distribute information, meetings, designate, legislation, references other standards

(a) Multi-Site Employers:

- (1) Employers with 11 or more employees who do not report to a fixed or regular location worksite are required to have a *Safety and Health Committee* to represent

those employees. The employer must have a separate *Safety and Health Committee* for each mobile work crew consisting of 11 or more employees.

- (2) Employers with employees who report to a fixed or regular location worksite must have a separate *safety and health committee* for each location with 11 or more employees.
  - (b) Multi-Employer Worksites: (1) At multi-employer fixed or regular location worksites, any employer required to establish a *Safety and Health Committee pursuant to G.S. 95-252* shall *notify* the *general contractor* or equivalent of the requirements of this *legislation and of the chairpersons* of their *committee*. (2) The *general contractor* or equivalent shall *designate* a representative to attend the *Safety and Health Committee meetings* of the *notifying* employer(s). (3) The *notifying* employer shall work with the *general contractor* or equivalent to distribute information as required by [G.S. 95-251\(b\)\(9\)](#).

### 13 NCAC 07A .0606 - Training and Education

**Scope:** This [standard](#) provides the requirements for training and education.

**Special Requirements:** Safety and health committee, training, affected employees, frequently cited violations, education, committee's duties, accident investigation, recordkeeping, procedures, system, PPE, hazard identification, safety and health programs, work practice, references other standards

(a) All *safety and health committee* members shall receive *training and education* based on the type of business activity in which the employer is involved and the scope of the *committee's duties*. At a minimum, employers shall provide *training* regarding the following: [Reference [paragraph \(a\)\(1\) - \(6\)](#)].

- (2) Principles regarding effective accident and incident *investigations*.
- (3) Employee and employer rights and responsibilities under the *Safety and Health Programs and Committees Act (G.S. 95-250 et al.)* and the *Mine Safety laws* or *OSHANC*.
- (4) *Recordkeeping* requirements of the *North Carolina Workers' Compensation Act (G.S. 97-1 et seq.)* and the *Mine Safety laws* or *OSHANC*. (5) The most common causes of on-the-job accidents.
- (6) The most *frequently cited violations* of either the *Mine Safety laws* or *OSHANC*.

(b) There shall also be established for employees whether or not a *safety and health committee* is required:

- (1) A *system for training and education* of all employees in occupational safety and health hazards at the worksite. The *system* shall contain specific requirements that

new employees not be allowed to begin work, except when participating in carefully *supervised on-the-job training*, until thoroughly *trained* in the safe use of all applicable equipment and substances, and *procedures* relating to their workplace environment.

- (2) A system of *training and education* for any existing employee given a new work assignment.
- (3) A system of *training and education* for all *affected employees* when a new substance, process, *procedure* or piece of equipment is introduced into the workplace and presents a new hazard to safety or health.
- (4) A system of *training and education* for all *affected employees* when any new *personal protective equipment* or different *work practice* is used on existing hazards.
- (5) *Training* to comply with all applicable *OSHA employee training* requirements, including, but not limited within General Industry to Means of Egress; Powered Platforms, Manlifts, and Vehicle- Mounted Work Platforms; Occupational Health and Environmental Control; Hazardous Materials; Personal Protective Equipment; General Environmental Controls; Medical and First Aid; Fire Protection; Materials Handling and Storage; Machinery and Machine Guarding; Welding, Cutting and Brazing; Special Industries; Electrical; Commercial Diving Operations; Toxic and Hazardous Substances, and Occupational Exposure to Hazardous Chemicals in Laboratories; including, but not limited within the Construction Industry to General Safety and Health Provisions; Occupational Health and Environmental Controls; Personal Protective and Life Saving Equipment; Fire Protection and Prevention; Signs, Signals, and Barricades; Tools - Hand and Power; Welding and Cutting; Electrical; Ladders and Scaffolding; Cranes, Derricks, Hoists, Elevators and Conveyors; Motor Vehicles, Mechanized Equipment, and Marine Operations; Excavations; Concrete and Masonry Construction; Underground Construction, Caissons, Cofferdams and Compressed Air; Demolitions; Blasting and Use of Explosives; Power Transmission Distribution; Stairways and Ladders; including, but not limited within Agriculture to Roll-Over Protective Structures, and Safety for Agricultural Equipment; and including, but not limited to the Process Safety Management Standard, the Confined Spaces Standard, Hazard Communication Standard, and the Bloodborne Pathogens Standard.

(c) The required *safety and health training* shall be provided by someone trained to recognize, evaluate and control safety and health hazards. The *training* may be provided on-site or off-site.

### 13 NCAC 07F .0302 - [General Environmental Controls](#)

[13 NCAC 07F .0302](#) - General Environmental Controls states that the scope for 29 CFR 1928.110, Field Sanitation, shall not be limited to any specific number of employees applicable in North Carolina.

To learn if 13 NCAC 07F .0302 applies to you, go to [Does "General Environmental Controls" Apply to You?](#)

## Special Requirements

### 13 NCAC 07F .0302 - General Environmental Controls

**Scope:** This [standard](#) applies to field sanitation.

**Special Requirements:** References other standards

Subpart I - General Environmental Controls - [29 CFR 1928.110](#), *Field Sanitation*, the scope shall not be limited to any specific number of employees.

### Additional Assistance on North Carolina State-Specific Standards

If the employer still has questions regarding the OSHA standards or North Carolina state-specific standards, they can submit an inquiry about safety and health requirements to Ask OSH through the [online form](#) or by phone at 919-707-7876.

Resource information can be found on the [safety and health topics pages](#). In addition, the webpages for [Which OSHA Standards Apply](#) and [OSHA Standards With Special Requirements](#) can assist the employer with applicable OSHA standards and special requirements.

Example safety and health [programs](#) ([table](#) of standards requiring programs, plans and procedures in general industry; [table](#) of standards requiring inspections in general industry; [table](#) of standards requiring programs, plans and procedures in construction; [table](#) of standards requiring inspections in construction) and [presentations](#) ([table](#) of standards requiring training in general industry; [table](#) of standards requiring training in construction); [pre-recorded webinars](#); along with [publications](#) are available to assist the employer in meeting standards requirements. Specifically, the brochure on [top ten most frequently cited serious violations](#) can be useful in identifying frequently cited violations by industry. For more information regarding the



required state and federal workplace posters, go to the [NCDOL State and Federal workplace posters](#) webpage.

The [NCDOL Library](#) also offers free safety and health videos and related research assistance on consensus standards (i.e., ANSI, NFPA, NEC). The education, training and technical assistance bureau provides [free online safety and health training](#) and [outreach services](#) (i.e., speaker's bureau requests, safety booths) upon request. In addition, the [consultative services bureau](#) provides free confidential on-site employer assistance.